REGULAR
COUNCIL MEETING
July 18, 1988

The regular meeting of the Elkton Town Council was held July 18, 1988 at 8:00 P.M. in the council chambers with the Mayor Charles E. Dean presiding. The following council members were present: R. E. Davis, B. B. Holt, R. B. Hutton, H. W. Leap, L. C. Life and R. L. Snow. Dale Davenport, Attorney, Norma Leap, Clerk, Gerald Monger, Superintendent and Warren Pence, Chief of Police were also present.

Vivian Dennis and Mike Walker of Continuing Care Home Health Services were present to make council aware of their existence and what services are provided by their agency. Their future plans are for an advisory board which would provide community input and eventually a nursing station in Elkton.

Roger Picklesimer, David Driver and Gary Pangle were present representing Picklesimer's and Mick or Mack grocery stores requesting council to take action to change the ordinance prohibiting the sale of alcoholic beverages on Sunday. They feel the ordinance is unfair as people can go outside Elkton less than a quarter of a mile and buy these beverages. This hinders their competing with the new Food Lion and also the town loses tax dollars when people go outside town to make their purchases.

Councilwoman L. C. Life moved, seconded by Councilman H. W. Leap and carried to approve the minutes of the Regular Meeting June 20, 1988 and the Special Meeting June 30, 1988 as presented.

Mr. Monger read a letter from the Elkton Field Day Committee inviting council to take part in the Field Day activities August 10th. through August 13th. and to ride in the Field Day Parade Saturday, August 13th. at 2:00 P.M. and enter a float in the parade.

Councilwoman L. C. Life moved, seconded by Councilman R. E. Davis and carried to participate in the Junior Order Field Day Parade with a town float not to exceed the amount of $300.00.

Mr. Monger reported on Route 759. The State is now planning to change the route so it would take the cemetery house rather than the buildings where B & B Electric Service is located. He feels the Street Committee and the Cemetery Commission are agreeable on how they plan to reroute the road but could not decide how to handle this. The State needs to know if council is in agreement with the route. They do not need to know how council plans to handle the sale of the house or any other details at this time.

Council felt they need to know how the Cemetery Commission feels. Mr. Monger stated the Commission has discussed possibly trading the house for a low rock wall beside the road. Mr. Flick stated that this plan, if it is approved, would make it impossible for the Commission to carry out their long range plans for a road around that side. Council stated they would like a recommendation from the Cemetery Commission before they take any action. If they have not received a recommendation from the Commission by the next meeting then council will have to do what they feel is best.

Mr. Flick reported that two new members are needed for the Cemetery Commission. He will continue doing the lot maintenance billing and posting but he would like to be relieved from the selling of lots.

Mr. Monger reported that the town needs to decide on a long distance carrier. It was decided this could be acted upon at the special meeting later in the month.

Mr. Monger reported that the following Planning Commission members terms are up July 1, 1988; Ishmal Baugher, Christopher Davis and Calvin Shaffer.

Councilwoman L. C. Life moved, seconded by Councilman H. W. Leap and carried to reappoint Ishmal Baugher, Christopher Davis and Calvin Shaffer to the Elkton Planning Commission for another four year term.

Mr. Monger reported that the Cemetery Commission had asked for direction from council. Mr. Davenport met with the Commission and told them some things that should be done. Council members have received the report of the meeting, minutes of the Commission, letters of resignation and some recommendations by the Commission.

Councilman R. L. Snow moved, seconded by Councilwoman L. C. Life and carried to accept the minutes, report and recommendations from the Cemetery Commission.

Mr. Monger reported that there will be a Rockingham Municipal League meeting Wednesday, July 20th., at Broadway.

Chief Pence reviewed the monthly police report. He reported we lost one dispatcher to Jamesway and one dispatcher is out ill.

Chief Pence requested council to authorize Mr. Monger and the town crew to clean the property at the intersection of "D" and Morgan beside where the apartments are being built as he has gone through all the requirements in the ordinance and has had no response from the owners. He reported that the property at 224 Spring Avenue is also not up to standards. He has been working with these people for over a year and had only very little response.

Mr. Davenport pointed out that before any action can be taken it will be necessary for the Chief of Police to comply with Section 9-2-1 (b) of the Code which requires that notice be given the person owning or having possession or control of the real estate or personal property in question at least five (5) days of such presentation of the matter to the council. Such notice shall inform such person as to the time and place at which such hearing will be had. Such person shall have the right to appear at such meeting and be heard upon such matter.

Councilman B. B. Holt moved, seconded by Councilwoman L. C. Life and carried that a formal notice giving at least five days notice be sent to the property owners at these locations giving the time and place for a hearing as the next council meeting and in the absence of adequate action council will take whatever steps are necessary.

Chief Pence asked for council's feelings regarding changing the signs at the intersection of Terrace and Hill and the intersection of Terrace and Ashby from "yield" to "stop" signs. This has been requested by the residents in that area because of the increase in traffic and the speed at which some people travel those roads.

Councilwoman L. C. Life moved, seconded by Councilman R. B. Hutton and carried to approve Chief Pence's suggestion to change the "yield" signs to "stop" signs.

Councilwoman Life requested that the Chief look at F & North Street and the alley between Spotswood and Wirt Avenue.

Councilman Holt presented the following First Reading of a resolution to repeal Section 7-2-1 (Sale of beer, etc.) of the Code:

A RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF ELKTON, VIRGINIA

RESOLVED, that Section 7-2-1 of Code of Ordinances of the Town of Elkton, Virginia, is hereby repealed in its entirety effective this date.

Councilman B. B. Holt moved, seconded by Councilman R. L. Snow to approve the following amendment to Section 8-1-1, Article A, Chapter 1, of Title 8, of the Town Code:

ORDINANCE TO AMEND SECTION 8-1-1, ARTICLE A,
CHAPTER 1, OF TITLE 8, OF THE CODE OF ORDINANCES
OF THE TOWN OF ELKTON, VIRGINIA

BE IT RESOLVED that Section 8-1-1, Article A, Chapter 1, of Title 8, of the Code of Ordinances of the Town of Elkton, Virginia is amended to read as follows:

Pursuant to the authority of Section 46.1-188 of the Code of Virginia, as amended, all of the provisions and requirements of the laws of the state contained in title 46.1 and article 2 of chapter 7 of title 18.2 of the Code of Virginia, as in force and effect on July 1, 1988, except those provisions and requirements the violation of which constitutes a felony, and except those provisions and requirements which by their very nature can have no application to or within the town, are hereby adopted and incorporated in this chapter by reference and made applicable within the town. References to "highways of the state" contained in such provisions and requirements hereby adopted shall be deemed to refer to streets, highways and other public ways within the town. Such provisions and requirements are hereby adopted, mutatis mutandis, and made a part of this chapter as fully as though set forth at length herein, and it shall be unlawful for any person, within the town, to violate or fail, neglect or refuse to comply with any provision of title 46.1 or of article 2 of chapter 7 of title 18.2 of the Code of Virginia which is adopted by this section; provided, that in no event shall the penalty imposed for the violation of any provision or requirement hereby adopted exceed the penalty imposed for a similar offense under title 46.1 or under article 2 of chapter 7 of title 18.2 of the Code of Virginia. To the extent that any provisions of title 8 of the Elkton Town Code may be inconsistent with the provisions and requirements of title 46.1 or of article 2 of chapter 7 of title 18.2 of the Code of Virginia hereby adopted, the title 8 provisions are superseded. (Ord. of Nov. 8, 1976)

In the opinion of council, an emergency exists that requires the immediate adoption of this amendment. Therefore, it is adopted on introduction and effective immediately.

The vote was recorded as follows:

Davis	-	yea	Leap	-	yea
Holt	-	yea	Life	-	yea
Hutton	-	yea	Snow	-	yea

Councilman Holt reported that last Wednesday he attended the Public Hearing held by the County Planning Commission and the Board of Supervisors on the ordinance to develop a special growth area, zone or district around the growth center of towns. He spoke in support of the ordinance. Supervisor Hulings stated this will go before the County Planning Commission on August 2nd. for their recommendation.

Councilman H. W. Leap moved to go into Executive Session to discuss possible legal matters with Rockingham County over water and sewer services and requested Supervisor Hulings remain for the session. Supervisor Hulings suggested perhaps it would be more convenient to postpone this to the special meeting planned for next week. Councilman Leap withdrew his motion. This item will be put on the agenda for the special meeting.

Councilman R. L. Snow moved, seconded by Councilman H. W. Leap and carried to approve the Finance Report for the month of June 1988.

Councilwoman Life reported that she has received a letter from Norfolk Southern approving a caboose for the town and we will need to find a place to put it.

Councilman Holt reported that there has been a real problem with the railroad crossing on Business 33 being blocked. He, along with Mr. Randy Murphy, called to report the problem. Things seem to be a little better at present.

Councilwoman Life reported they are still looking into the cost to move the freight station.

Councilman Hutton reported that his committee has met and are trying to revise and bring up to date the personnel booklets that the town presently have. Their plans are to have this up to date so that when the budget process begins next year they will know exactly what the cost will be per person.

Councilwoman Life requested that one thing she would like to see under Personnel is an update on employees at the monthly committee meetings. This would keep council informed of what is going on with our employees.

Mayor Dean distributed the list of committee assignments.

Councilman R. L. Snow moved, seconded by Councilman R. B. Hutton and carried to approve the following committee assignments:

<u>Electric Committee</u>
Roy E. Davis, Chairman
Randell L. Snow
Linda C. Life

<u>Finance Committee</u>
Randell L. Snow, Chairman
Roy E. Davis
Bill B. Holt

<u>Personnel Committee</u>
Ralph B. Hutton, Chairman
Henry W. Leap
Charles E. Dean

<u>Public Health, Ordinances & Recreation Committee</u>
Bill B. Holt, Chairman
Henry W. Leap
Randell L. Snow

Public Safety Committee
Charles E. Dean, Chairman
Bill B. Holt
Roy E. Davis

Streets & Sidewalks Committee
Linda C. Life, Chairman
Henry W. Leap
Ralph B. Hutton

Water & Sewer Committee
Henry W. Leap, Chairman
Ralph B. Hutton
Linda C. Life

Mayor Dean reported that Councilman B. B. Holt will remain as council's representative on the Planning Commission.

Mayor Dean reported that Councilwoman L. C. Life will be council's representative on the Recreation Commission.

A special council meeting was set for Tuesday, July 26th. at 7:30 P.M. to discuss the following items:

1. Second Reading on Sunday Beer Sales.
2. Clean Up of the Two Properties in Question.
3. Choose Long Distance Carrier.
4. Water and Sewer Legal Matters with County.

Mr. Monger reported that there will be a Public Hearing August 15, 1988 at 7:00 P.M. on the following items:

1. Deleting of Paragraph 2 of Section 4 A-1 Residence Use of the Zoning Ordinance.
2. Deleting of Paragraph 3 of Section 4 A-1 Residence Use of the Zoning Ordinance.
3. Application for Special Use Permit to Operate a Bed and Breakfast.
4. Application for Special Use Permit to Operate a Sporting Goods Business.

Mayor Dean asked that the Cemetery By-Laws be added to the agenda for the Special Meeting July 26th.

Mr. Davenport reported that he has checked on the T. V. Franchise laws. The franchise is not exclusive so the town can grant another franchise. Mr. Davenport stated he has talked with the attorney for Rogers Cable T.V. and he has requested a copy of the town's franchise.

Mr. Davenport reported he is working on the Subdivision Ordinance, as requested by council, to amend the ordinance to make it more responsive to the current needs of the town in light of the recent subdivision. He hopes to have something ready by the next meeting.

There was some further questions and discussion regarding the Special Use Permit for the Elkton Manor Home. Mr. Davenport states he is still of the opinion that the permit remains with the property not the owner.

Mayor Dean reported on a letter from LIW Apparel requesting his permission to use a loud speaker. They are planning a sale for the end of July or the first of August and plan some outside activities on the South side of the store, such as square dancing, clogging, hot dog/hamburger stand and maybe a band.

Mr. Roger Picklesimer spoke in reference to the town entrance signs which EPIC had erected but was made to take down by the State. In working with the State, they said that if EPIC put the signs anywhere within the town limits,

as long as the town agrees it is their sign, the State would have no right to refuse. Mr. Picklesimer asked if they could place the sign at the triangle at the intersection of Route 340 and Terrace Avenue and if the town would acknowledge that it is their sign. Mayor Dean told Mr. Picklesimer to get with the Street Committee on this. Councilwoman Life stated she planned to attend the EPIC meeting so she would discuss the signs with them and bring this back to her committee and work with Mr. Monger and the Chief on this matter.

As there was no further business, the meeting adjourned.

MAYOR: Charles E. Dean
Charles E. Dean, Mayor

RECORDER: Norma R. Leap
Norma R. Leap, Clerk